

**COMMITTEE ON SPECIAL PERMITS  
MONDAY, MARCH 22, 2021 at 6:03 p.m.  
WOBURN CITY HALL  
CITY COUNCIL CHAMBERS**

Voting members present: Chairman Richard Gately, Alderman Joanne Campbell, Alderman Jeffrey Dillon, and Alderman Darlene Mercer-Bruen

Non-voting members present: Alderman Michael Concannon, Alderman Robert Ferullo, and President Edward Tedesco. Absent: Alderman Joseph Demers

Also present: Building Commissioner Thomas Quinn

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**Reading of meeting minutes of February 8, 2021:** Motion made by Alderman Mercer-Bruen and seconded by Alderman Dillon to approve the minutes of the previous meeting; in favor, 4-0.

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**Motion made** by Alderman Mercer-Bruen and seconded by Alderman Campbell to take the Order to review special permit conditions of Dollar Tree at 425 Washington Street out of order from the posted agenda; in favor, 4-0.

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**Order for Committee on Special Permits to review special permit conditions of Dollar Tree at 425 Washington Street:** Representing Kimco Realty was Joseph Denis, Property Manager, 2 Newton Executive Park, Suite 100, Newton, MA. (Scrivener's note: Mr. Denis was participating remotely via the Zoom platform.) Chairman Gately said the committee wants to know why the property is not being maintained properly. He said the ward alderman for Washington Street is Alderman Mercer-Bruen. He said he is going to ask her to speak first on the matter. He said the committee also wants to hear from the Building Commissioner. Alderman Mercer-Bruen said she is the alderman from Ward 5. She said she will make her opening comments brief. She said Kimco has a special permit from the council, and that is like a contract. She said there are several conditions of the special permit of which Kimco is in violation. She said there is trash all over the place. She said there is an extra dumpster at Dollar Tree which should not be there. She said Commissioner Quinn has tried to address the situation with email to Kimco officials. She said she understands Mr. Denis is a relatively new property manager but the situation needs to be addressed. Mr. Denis said he is new to the portfolio on Washington Street, but he has been with Kimco for some time. He said he was the property manager elsewhere but was recently asked by the company to manage the Woburn site. Alderman Mercer-Bruen said this is not the first time Kimco has appeared before the Special Permits Committee to address similar issues. She said this is the last time the committee will address issues with the property of this nature, and if there are no improvements within three months, then the council will begin the process of revoking the

special permit. She said she gets upset when she receives calls from constituents about trash at 425 Washington Street. She said she gets upset when she is driving along the highway and she sees trash blowing around the property. She said the property's proximity to the highway and the city line make it one of the first things people see when they come to Woburn and the condition of the property leaves a bad first impression. She said she would like to see the property cleaned and she wants assurances it will remain clean. She said she would like Commissioner Quinn to address what is happening at the property. Chairman Gately asked Commissioner Quinn to address the committee about the status of the property. Chairman Gately said the property has been the source of a lot of problems over the years. Commissioner Quinn said one of the problems for the past 4-5 years is the property manager's position has been a revolving door. He said one of the previous property managers told the city only what it wanted to hear, then the next two property managers left in short order and there was no way to contact a successor. He said three weeks ago he tried to contact the most recent property manager and he was advised that person no longer works for the company. He said he was eventually directed to Mr. Denis sent a series of email to him about problems at the property, which he noted abuts a residential neighborhood. He said there are currently charity donation boxes taking up two of the parking spaces. He said Kimco obtained a subsequent special permit for the Partners health care facility, and the special permit allowed for a reduction in the number of parking spaces from 525 to 481. He said there are currently 479 spaces because the donation boxes are occupying two of them. He said he understands Pier 1 Imports is no longer in business but any reduction in the parking is a violation of the special permit. He asked Mr. Denis how quickly the boxes can be removed. Mr. Denis said he will have the donation boxes removed within 48 hours. Commissioner Quinn asked if he contacts Mr. Denis at 7 a.m. on Thursday he will be assured the donation boxes will be removed. Mr. Denis said he can guarantee the donation boxes will be removed by Friday. Commissioner Quinn said there will be a \$300 per day fine starting on Thursday if the donation boxes are not removed. Commissioner Quinn asked if Mr. Denis intends to fix a broken window at Pier 1 Imports. Mr. Denis said he ordered replacement glass last week and he will follow up to determine when it will be installed. Commissioner Quinn said there was also an issue with Kohl's leasing space to UPS in the parking lot during the Christmas season. Mr. Denis said he had not heard that. He said if there is a violation, he will put a stop to it. He said he will make sure all the activities at the shopping center are cleared first with the city. Commissioner Quinn said if Mr. Denis goes to the site, he will notice signs that prohibit parking of trucks. He said Kimco was made aware of the UPS operation. He said Kimco has a bad track record with the city. He said he has had enough. He said there is no reason for a shopping center to be the source of so many complaints. He said the condition of the property reflects badly on Kimco. He said if the situation continues as it has, he will recommend the revocation of all special permits on the property, including the one for the Partners medical building. He said the city has exhausted too many resources over the past five years trying to get 425 Washington Street into compliance with its special permits. He said enough is enough. He told Mr. Denis the president of Kimco can give him a call. He said maybe the president of the company ought to be the person who is before the City Council. He said it is frustrating. He said Kimco does not make his job easy. Mr. Denis apologized for the issues that have arisen at 425 Washington Street. He asked the committee for the opportunity to make a difference. He said he is going to be in the area next week and he can give regular updates to the committee if it wishes. He said he is willing to fix whatever problems there are. He said he wants to work with the city. Commissioner Quinn said any improvements will start by working with the people who run the establishments in the

shopping center. He said Dollar Tree and Kohl's are the usual sources of complaints. He said the only entity with which there have been no issues is the Title 1 boxing center. He said every other store has been problematic. He said the appearance of the shopping center is an insult to the city of Woburn. He said he has heard promises from different property managers over the years, but progress has been difficult. Mr. Denis said he will commit to having the parking lot swept and cleaned every day. He said they are going to empty the dumpsters on a daily basis. He said there are going to be improvements. Commissioner Quinn said there is currently a vacant space in the plaza. He said the shopping center is zoned Business Neighborhood and the use is therefore non-conforming. He said any new tenant will require a special permit. He said it is important for Kimco to communicate with the city. He said he would look for more availability from Mr. Denis over the course of the next six months. Mr. Denis said once the situation at the shopping center is stabilized he can send Commissioner Quinn a report every Friday afternoon. He said he could provide pictures of any maintenance or improvements. Commissioner Quinn said he hopes Mr. Denis will commit to the improvements to which he has stipulated. Mr. Denis said he will make every effort to improve the situation. Alderman Mercer-Bruen said the shopping center is the nucleus of Washington Street. She said it is in a very visible section of the city. She said it is up to Mr. Denis to make it look decent again. She said the committee is not asking Kimco to perform tasks that are out of its control. She said there ought to be no further leasing of space to UPS. She said that is in Kimco's control. She said she does not think it is necessary for Kimco to provide pictures. She said she thinks Kimco needs to provide the city with regular updates and Mr. Denis needs to make himself available. She said if there is a change in management, the city needs to be notified. She said the city needs to be kept current with contact information in case of emergency. She said she is fine with giving Mr. Denis a chance to improve the situation at the plaza. She said she hopes Mr. Denis is sincere, but if there are any further issues, there will be severe consequences. Mr. Denis said he is absolutely sincere. He said he does not want the shopping center to be an issue for the city moving forward. Chairman Gately said he has been by the plaza many times over the years. He said there are 800-900 businesses in the city of Woburn, and most of them run efficiently. He said Kohl's plaza has been a problem, however. He said this is the fourth or fifth time someone from Kimco has appeared before the committee to address issues with the property. He said Mr. Denis has to get control of the situation. He said if he does not, the council is going to pull the special permit. He said he said the council has the power to do that. He said Kimco will be left with nothing but empty buildings. Alderman Mercer-Bruen said she appreciates the committee's time. She said she appreciates Mr. Denis' time. She said she hopes Mr. Denis will improve the situation. Mr. Denis said the committee will see improvements. Alderman Mercer-Bruen suggesting leaving the matter in committee for now. Motion made by Alderman Mercer-Bruen and seconded by Alderman Dillon to leave the matter in committee; in favor, 4-0. Chairman Gately said the Building Commissioner will reach out to Mr. Denis if he has to.

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**Motion made** by Alderman Mercer-Bruen and seconded by Alderman Campbell to return to the regular order of business; in favor, 4-0.

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**Jackson Lumber for special permit: 1. To amend a special permit to allow additional drainage and pavement to expand parking lot; and 2. Alteration of existing use to allow for drainage and pavement, at 36 Prospect Street:** Representing the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, MA; and Mark Torrisi, President, Jackson Lumber, 36 Prospect Street, Woburn, MA. Motion made by Alderman Campbell and seconded by Alderman Mercer-Bruen to accept from the applicant a document from The Morin-Cameron Group Inc. to the Conservation Commission entitled “Request for Determination of Applicability – 36 & 40 Prospect Street Owner/Applicant Jackson Lumber;” in favor, 4-0. Attorney Salvati said the cover letter of the aforementioned document contains responses to some concerns expressed by the Conservation Commission that are applicable to the special permit request. He said item #1 on the document addresses issues that were identified by the City Engineer and the Dept. of Public Works. He said item #2 of the memo addresses water runoff with a system of gutters to a proposed basin. He said item #3 addresses the addition of arborvitae trees as a screen between the Jackson Lumber site and neighboring properties. He said items #4-6 in the memo address deciduous trees and snow removal. He said the next two pages of the memo consist of revised plans. He said the open space ratio will go from 32 percent to 19 percent, which is shown on the last page of the handout. He said he did not provide a larger plan for everyone on the committee because the layout may change upon review by the Conservation Commission. He suggested sending the application back for action on April 20 pending approval of the Conservation Commission and the DPW. Alderman Campbell said she went to the Jackson Lumber site today. She said she is concerned about the removal of trees and what kind of buffer will be left between the applicant’s property and the neighboring properties. Mr. Torrisi said the only trees that will be removed are the ones that are in the area where the drainage system is proposed. He said the trees closest to the fence will remain. Alderman Campbell said she was surprised how close the fence is to the abutting properties. She said those trees do serve as a valuable buffer. She said there are several large trees near the fence that serve to block noise. She said she would like to see the final plan to determine if there is an adequate buffer. Mr. Torrisi said Jackson Lumber is going to provide additional arborvitae trees that serve as a buffer. Alderman Campbell said it would be helpful if the applicant provides a plan indicating which trees are going to be removed and which trees are going to be kept. Alderman Campbell asked where trucks are going to turn around. Mr. Torrisi said the trucks will turn around on the southwest side of the property. Alderman Campbell was provided with the lone large copy of the plan that was submitted by the petitioner. She said it appears the truck turn around area was a good choice as it is away from the neighbors. Alderman Dillon said he walked the site. He said he would like to see more plantings on the Garfield Avenue side to the building to spruce up the property. He said if that happens it will help him make a more informed decision. Mr. Torrisi said he will get that done this week. Alderman Mercer-Bruen said she is not sure the committee should send the matter back for action tonight. She said she thinks the matter should stay in committee until the applicant files a revised set of plans. Chairman Gately said the applicant should submit the final plans before the committee makes a recommendation. President Tedesco said the public hearing resumes on April 20, and the committee can fit in another meeting before then. Attorney Salvati said the applicant should be all set by Friday. Chairman Gately said he walked down to the site today. He asked Mr. Torrisi when he built an elevated parking lot from Prospect Street. Mr. Torrisi said the elevated parking lot was there when Jackson Lumber acquired the property. Chairman Gately asked if the elevated parking lot blocks water flow. Mr. Torrisi said the parking lot will be redesigned to make the water flow much better. Alderman

Gately said he saw conservation stakes on the property. He said he does not want to create more problems on Mount Pleasant Court. He said he thinks the applicant can dig a swale. Mr. Torrasi said that is where the easement is. He said they will do whatever DPW tells them to do. Chairman Gately said he would like to see the fence line dug out. He said he wants the property to look half-decent. He said he wants drainage to be improved. He said the applicant should take a test sample to find the elevation of the sewer line. He said he wants to know how deep the sewer line is. Attorney Salvati said the sewer line was not put on the plan but it is relatively shallow. Chairman Gately said he still wants the applicant to provide the elevation. Attorney Salvati said the applicant's solution to not knowing the elevation was to stay away from the sewer line. Chairman Gately said if trucks are going to be going over the sewer line, the applicant should provide the elevation. He said the applicant does not want a broken sewer line in his parking lot. Chairman Gately said the applicant has to do something about the landscaping. He said there is a lot of dead stuff on the premises. He urged the applicant to make it look half-decent. Mr. Torrasi said they will address the landscaping based on what the Conservation Commission tells them to do. Chairman Gately said the applicant has done everything the council has asked it to do. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to take no action on the petition and leave it in committee; in favor, 4-0.

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**Motion made** by Alderman Mercer-Bruen and seconded by Alderman Campbell to adjourn; in favor, 4-0. Chairman Gately adjourned the meeting at 6:41 p.m.

A TRUE RECORD ATTEST

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Gordon Vincent  
Clerk of Committees